

**UNITED STATES DISTRICT COURT  
FOR THE WESTERN DISTRICT OF NORTH CAROLINA  
STATESVILLE DIVISION  
Civil Action No. 5:23-cv-00054-KDB-SCR**

**CARLOS WESTMORELAND,**

**Plaintiff,**

**v.**

**DOMINION ENERGY SOUTHEAST  
SERVICES, INC.,**

**Defendant.**

**ORDER**

**THIS MATTER** is before the Court on “Defendant’s Partial Motion to Dismiss” (Doc. No. 5) filed May 26, 2023, and “Plaintiff’s [Consent] Motion for Leave to Amend His Complaint” (Doc. No. 9) filed June 23, 2023.

Rule 15 of the Federal Rules of Civil Procedure governs amendments to pleadings. Rule 15(a)(1) grants a party the right to “amend its pleading once as a matter of course,” if done within 21 days after serving the pleading, Fed. R. Civ. P. 15(a)(1)(A), or “if the pleading is one to which a responsive pleading is required,” a party may amend once as a matter of course, provided that it does so within “21 days after service of a responsive pleading or 21 days after service of a motion under Rule 12(b), (e), or (f), whichever is earlier.” Fed. R. Civ. P. 15(a)(1)(B). The Rule further provides that leave to amend shall be freely given “when justice so requires.” Fed. R. Civ. P. 15(a)(2).

With the consent of Defendant, the Court will grant Plaintiff’s Motion for Leave to Amend.

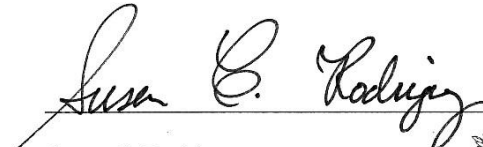
It is well-settled that an amended pleading supersedes the original pleading, and that motions directed at superseded pleadings are to be denied as moot. Hall v. Int'l Union, United Auto., Aerospace & Agric. Implement Workers of Am., No. 3:10-CV-418-RJC-DSC, 2011 WL 4014315, at \*1 (W.D.N.C. June 21, 2011); Young v. City of Mount Ranier, 238 F.3d 567, 572-73 (4th Cir. 2001).

**IT IS THEREFORE ORDERED** that:

1. “Plaintiff’s [Consent] Motion for Leave to Amend His Complaint” (Doc. No. 9) is **GRANTED**. Plaintiff shall file his Amended Complaint within ten days of this Order.
2. “Defendant’s Partial Motion to Dismiss” (Doc. No. 5) is administratively **DENIED** as moot without prejudice.
3. The Clerk is directed to send copies of this Order to counsel for the parties and to the Honorable Kenneth Bell.

**SO ORDERED.**

Signed: June 23, 2023

  
Susan C. Rodriguez  
United States Magistrate Judge

